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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,209	01/19/2001	Brandon J. Passanisi	P5505/14695.007001	9219

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EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/766,209

Applicant(s)

PASSANISI, BRANDON J.

Examiner

Tuan A Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed January 19, 2001.

Claims 1-20 have been submitted for examination.

Drawings

2. The drawings are objected to because there is a misspell in Figure 5: the term 'INTERGRATED' in the legend representing box 90 should be corrected.
3. Also objected to is the following: it is not clear as to what specific element of Figure 10 the numeral 176 is pointing to, i.e. it is viewed as pointing to one 'Manifest Header Value' and also to a range of values listed in the column under Manifest Header 174.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

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4. The disclosure is objected to because of the following informalities: there is inconsistency in the use of the element numeral (110). One time it is referred to as being 'Java Embedded Server Module', another time as 'plug-in module' (pg. 6, li. 3, 5, 11, 15, 22).
5. Likewise, the element 156 is referred to as 'Product Info and Downloads' in one instance (pg. 6, li. 14) and as 'online Java Embedded Server documentation' (pg. 7, li. 7-8). There is no consistency as to referring to the same numeral.
6. Further, numeral element 175 referred to in the specification (pg. 8, li. 8, 14, 19, 25, 28) is not matching its legend shown in Figure 10, which is a 'Clear' button.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 1, 11, 18, and 20, the element recited as 'Java Embedded Server' is not described in the specification or in the claims in any explicit manner as to convey to one skilled in the art that the inventor has possession of such element. The element is being capitalized and seems to be an important feature of the invention; however, interpreting it in order to have an idea of what it really represents cannot be done via a most commonly accepted meaning. Such

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lack of description of a capitalized element amounts to not conveying the claimed subject matter to one skilled in the art in a reasonable manner; and this omission leads to the belief that the inventor was not in possession of the claimed invention. Therefore, a broadest reasonable interpretation by the Examiner (refer to rejection USC 112, 2nd para below) will be applied during the prosecution of the case.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 11, 18, and 20, the element recited as 'Java Embedded Server' (JES) is not described sufficiently either in the claim or the specification as to enable a skill in the art to make sense of the element in order to interpret the claim. In the specification, this element is introduced in pg. 6 with an acronym but nowhere in the specification is a definition or explanation of this element described. Since JES was not a trademark at the time the invention was made and that no description from the specification is provided, this element will be left open to any interpretation when the Examiner prosecutes the case. As it stands, Examiner will interpret JES as a Java implemented embedded functionality or at best a Java-based service in conjunction some embedded device or environment.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-8, 10-15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, USPN: 6,633,888 (hereinafter Kobayashi) in view of Parent, USPubN: 2002/0103927 (hereinafter Parent).

As per claim 1, Kobayashi discloses an apparatus for facilitating development of Java bundles, comprising: a module comprising a plurality of tools (e.g. Fig. 7) used in the creation of Java bundles (e.g. *JAR file* - step 808, Fig. 8; step 1910, Fig. 19; col. 7, lines 45-55).

But Kobayashi does not disclose that the Java bundles are Java Embedded Server bundles. The use of Java compacted packages like JAR in network distribution to facilitate their deployment at target devices where storage resources are limited, e.g. resources-restraint embedded devices where was a known concept at the time the invention was made. Parent, in a method to deploy JAR files analogous to Kobayashi's Jar packages or bundles, discloses communication with of embedded servers to provide thereto Java components derived from Java bundles or Java archives (emWare.jar, – pg. 47; para 0096-00104 pg.48); hence teaches creating embedded servers bundles for facilitating of Java code deployment at those servers. It would have been obvious for one of ordinary skill in the art at the time the invention was made to implement the method by Kobayashi so that the Java bundles are created for facilitating their use at embedded servers as taught by Parent because Java bundles can be deployed at servers for which resources are limited and by compacting Java deployable components in bundles the embedded servers resources usage would be more alleviated, thus enabling their resources to be spared for more efficiently performing requested services.

As per claim 2, Kobayashi discloses a module adapted in a IDE (e.g. *IDE 712* – Fig. 7).

As per claim 3, Kobayashi discloses a window menu to retrieve components to assemble a Java bundle in the IDE (e.g. Fig. 13-17; step *1910* – Fig. 19); hence has disclosed implicitly disclosed drop-down menu for accessing the module as to create Java bundles.

As per claim 4, Kobayashi discloses a update mechanism in the IDE (EDIT – Fig. 11; Fig. 13-17; step *2014* – Fig. 20).

As per claim 5, Kobayashi discloses a code template (e.g. Fig. 4; Constructor bean 1000, method bean 1012 – Fig. 10 – Note: a container for Java code methods and attributes is equivalent to class templates containing elements from which to construct further code classes)

As per claim 6, Kobayashi discloses a interface template (e.g. *palette ... internal interface* - col. 17, line 62 to col. 18, 8; col. 11, lines 45-49; *environment add-on 700*– Fig. 7; Fig. 14, 17); and implementation template (e.g. *visual builder 214* – Fig. 2; transport *API 206* – Fig. 2; Fig. 9—Note: using a visual palette to effect APIs and interface calls to constructs classes and methods for beans reads on implementation template) but only teaches a activator functionality based on events (e.g. Fig. 16, 18-20 – Note: visual display to applying binding and linking properties of created components and to test beans reads on activator template). Given the visual aspect of activating the created components based on the builder template thus suggested by Kobayashi, it would have been obvious for one of ordinary skill in the art at the time the invention was made to add to the visual menu-driven tool of Kobayashi a activator template with which the components can be activated or linked just as suggested above because providing all the event-based functionalities for test or dynamic binding in one such graphical container module, i.e. a template, would provide the integration tool with one differentiated

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graphical module encompassing all the debugging and testing functions typical of the post-implementation stages of development as suggested above prior to delivering the package as built.

As per claims 7 and 8, Kobayashi discloses a Java Embedded Server (JES) manifest generator tool and jar packager tool (e.g. step 1910 – Fig. 19).

As per claim 10, this claim recites code template, manifest generator tool, and jar packager tool. All of which limitations have been addressed in claims, 5, 7, and 8 respectively.

As per claim 11, this is the method claim corresponding to the apparatus claim 1; hence is rejected using the corresponding rejection as set forth therein for each limitation.

As per claim 12, refer to claim 2.

As per claim 13, Kobayashi discloses code samples (refer to rejection of claim 5).

As per claims 14 and 15, these claims correspond to the limitations of claims 7 and 8, hence are rejected with the corresponding rejection as set forth therein respectively.

As per claim 17, refer to claim 10.

As per claim 18, Kobayashi discloses an apparatus for facilitating development of Java bundles, comprising means for:

providing sample code segments (refer to rejection of claim 5);

creating Java manifest files for the bundles (re to rejection of claim 7); and

packaging the bundles (re claim 8); but does not disclose that the Java bundles are JES

bundles. However, this limitation has been addressed in claim 1 from above.

As per claim 19, Kobayashi discloses an IDE (re claim 2) and creation of JES (re claim 1).

As per claim 20, Kobayashi discloses an apparatus for facilitating development of Java bundles, comprising means for

combining, in a module, a plurality of development tools used in the creation of Java bundles (refer to corresponding rejection set forth in claim 1); and

integrating the module into a IDE (re claim 2 – Note: the use of IDE inherently teaches integration of all the products generated by the module into the development environment for creating the bundles);

but does not disclose that the Java bundles are JES bundles. However, this limitation has been addressed in claim 1 from above.

13. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi, USPN: 6,633,888, in view of Parent, USPubN: 2002/0103927, as applied to claims 1, 11, and further in view of Estrada et al., USPN: 6,744,447 (hereinafter Estrada).

As per claim 9, Kobayashi (combined with Parent) does not disclose a web page link tool having links to JES web pages. Kobayashi does teach testing of created beans and JAR packages to be transported across the internet (re claim 1). The use of Java packages or Jar file across the web server-client paradigm for enabling network communications and web-based applications or data processing/distribution was a known concept at the time the invention was made; and this is evidenced by Kobayashi and Parent. Estrada, in a method to provide collaboration of objects designed for browser-related communication purpose and enabling testing within an integrated development environment analogous to Kobayashi, discloses a visual interface having web pages linking tool enabling activation of communication functionality of assembled components to customize a workflow (e.g. Fig. 10, 11, 14). It would have been

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obvious for one of ordinary skill in the art at the time the invention was made to add to the testing scheme as suggested by Kobayashi and the communication scheme by Parent, a tool enabling testing of such communication functionality, i.e. web page linking tool, as taught by Estrada, such functionality using the Java package or JAR as taught by both Kobayashi and Parent. The motivation is to be able to verify the correctness of the Java components extracted and activated at the embedded server for effecting an communication application as suggested by Estrada (e.g. enabling a correct web session linking different pages, such linking information being provided by those JAR components) in that such communication would not result in misuse of resources, especially when the target devices receiving the JAR files are restrained in resources as suggested by the concept of embedded servers as taught by Parent and compaction of data as taught by Kobayashi's JAR files.

As per claim 16, this claim corresponds to the limitation of claim 9, hence is rejected with the corresponding rejection as set forth therein.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat No. 6,237,135 to Timbol, disclosing integration tool with palette/wizard for beans packaging.

U.S. Pat No. 2002/0147763 to Lee et al., disclosing EJB modeling tool with deployment of JAR.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (703)305-7207. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662.

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Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for formal communications intended for entry)

or: (703) 746-8734 (for informal or draft communications, please consult Examiner before using this number)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. , 22202. 4th Floor(Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT
June 23, 2004


ANIL KHATRI
PRIMARY EXAMINER